

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

BARBARA FISHER,

Plaintiff, : Case No. 3:04-cv-418

And

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

- vs -

Magistrate Judge Michael R. Merz

PERMA-FIX OF DAYTON, INC.,

Defendant. :

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**ORDER**

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This case is before the Court on Joint Amended Motion of the United States (on behalf of the Administrator of the U.S. Environmental Protection Agency) and the State of Ohio (on behalf of the Ohio Environmental Protection Agency) to enter a proposed Amended Consent Decree under the Clean Air Act, 42 U.S.C. § 7601, *et seq.* (ECF No. 159).

The parties to the case unanimously consented to plenary Magistrate Judge jurisdiction in their Fed. R. Civ. P. 26(F) Report (ECF No. 10), and District Judge Rose referred the case on that basis (ECF No. 11).

On August 23, 2018, the Court held a telephonic hearing on the Joint Amended Motion. The record of that hearing has been transcribed and filed (ECF No. 164); it shows counsels' appearances for the respective parties. *Id.* at Page ID 5505-06. Having considered the positions of the parties as stated in that hearing, it is hereby ORDERED

1. The Joint Amended Motion of the United States and the State of Ohio to enter the proposed Amended Consent Decree (ECF No. 154, comprising Page ID Nos. 5170-5359), lodged with this Court on September 14, 2017, is GRANTED. On today's date, the Magistrate Judge signed the Amended Consent Decree, ENTERED as an Order of this Court. That signed Decree is filed at ECF No. 165 and comprises Page ID Nos. 5540-5581.

2. Whenever Clean Water Environmental is required under the Amended Consent Decree to make a submission to the United States Environmental Protection Agency or the Ohio Environmental Protection Agency under Paragraphs 21, 23, 27, 34, 35, 38, 39 and 40, it shall, within two days of making such submission, file with the Court a notice that the submission has been made, describing the submission in sufficient detail to allow members of the public to determine whether to request a copy of the submission.

3. The Court retains permanent jurisdiction to enforce the Amended Consent Decree on appropriate motion. Nothing in this Order or the Amended Consent Decree shall be interpreted as modifying the separate Substitute Judgment Entry and attached Settlement Agreement between Plaintiff Barbara Fisher (nka Barbara Lamb) and Perma-Fix of Dayton, Inc. (ECF No. 152).

October 1, 2018.

s/ *Michael R. Merz*  
United States Magistrate Judge